Z-1382.1 _____

SENATE BILL 6398

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State of Washington   **55th Legislature**   **1998 Regular Session**

By Senators McCaslin and Winsley; by request of Secretary of State

Read first time 01/16/98.   Referred to Committee on Government Operations.

1   AN ACT Relating to testing of voting systems; and amending RCW
2 29.33.145, 29.33.350, and 29.33.360.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4   **Sec. 1.** RCW 29.33.145 and 1990 c 59 s 23 are each amended to read
5 as follows:
6   An agreement to purchase or lease a voting system or a component of
7 a voting system is subject to that system or component passing an
8 acceptance test ((prescribed by the secretary of state)) sufficient to
9 demonstrate that the equipment is ((identical to)) the same as that
10 certified by the secretary of state and that the equipment is operating
11 correctly as delivered to the county.

12   **Sec. 2.** RCW 29.33.350 and 1990 c 59 s 32 are each amended to read
13 as follows:
14   At least three days before each state primary or general election,
15 the office of the secretary of state shall provide for the conduct of
16 tests of the programming for each vote tallying system to be used at
17 that primary or general election ((shall be tested by the office of the
18 secretary of state to)). The test must verify that the system will

1   correctly count the vote cast for all candidates and on all measures
2   appearing on the ballot at that primary or general election. The
3   ((tests shall be conducted by processing a preaudited group of ballots
4   marked with a predetermined number of ballot votes for each candidate
5   and for and against each measure. For each office for which there are
6   two or more candidates and for each issue, the group of test ballots
7   shall include one or more ballots which have votes in excess of the
8   number allowed by law, in order to verify the ability of the vote
9   tallying system to reject such votes)) office of the secretary of state
10 shall adopt rules specifying the manner of conducting these programming
11 tests. The test shall verify the capability of the vote tallying
12 system to perform all of the functions that can reasonably be expected
13 to occur during conduct of that particular primary or election. If any
14 error is detected, the cause shall be determined and corrected, and an
15 errorless total shall be produced before the primary or election.

16   Such tests shall be observed by at least one representative from
17 each major political party, if representatives have been appointed by
18 the respective major political parties and are present at the test, and
19 shall be open to candidates, the press, and the public. The
20 ((secretary of state, the)) county auditor((,)) and any political party
21 observers shall certify that the test has been conducted in accordance
22 with this section. Copies of this certification shall be retained by
23 the secretary of state and the county auditor. All programming
24 materials, test results, and test ballots shall be securely sealed
25 until the day of the primary or general election.

26   **Sec. 3.** RCW 29.33.360 and 1990 c 59 s 34 are each amended to read
27 as follows:
28   The secretary of state ((shall)) may publish ((manuals of))
29 recommended procedures for the operation of the various vote tallying
30 systems that have been approved. These ((manuals shall contain any
31 applicable rules and statutes relating to the printing of ballots and
32 preparation and testing of the various vote tallying systems, the
33 duties and functions of the precinct election officers, and the duties
34 and functions of the counting center personnel and operators of vote
35 tallying systems at counting centers)) procedures allow the office of

1 the secretary of state to restrict or define the use of approved
2 systems in elections.

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